

REMARKS/ARGUMENTS

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the amendment to clarify issues upon appeal.

This Amendment is in response to the Office Action dated February 22, 2005. Claims 1, 3-17, and 19-36 are pending. Claims 1, 3-17, and 19-36 are rejected. Claims 1, 3, 5, 6, 8, 11, 13-15, 17, 21-22, 24, 27, 29-31, 33, and 35-36 have been amended. Claims 4, 12, 20, 28, and 34 have been canceled. No claims have been added. Accordingly, claims 1, 3, 5-11, 13-17, 19, 21-27, 29-33, and 35-36 remain pending in the present application.

Claim 9 is objected to because of formalities. The Examiner states that on page 4 in claim 9, after the word "being", the claim is incomplete and missing a full stop. Applicant directs the Examiner to the very top of page 5, where the remainder of claim 9, "turned 'off'", is presented. Thus, Applicant respectfully requests that the Examiner withdraw her objection.

Claims 1, 3-17, and 19-36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Morisawa, (US 2002/0038328). The Examiner states:

As to claims 1, and 17 Morisawa discloses a system and method for reducing the boot time for a computer [para0011, on page 1] comprising the steps of:

- a. supplying power [built-in battery is supplying power, fig. 1] to the computer when the computer is in powered down state [para 0031 on page 2, para0039 on page 2 and 3];
- b. disabling [by turning off] a plurality of input/output [I/O] devices coupled to the computer [para 0056, on page 4, S105, in fig. 5];
- c. performing a boot process [performed by BIOS, para 0053 on page 4]; and
- d. placing the computer in a suspend to memory state [S3 state], wherein the steps (a) through (d) are performed before a user turns on the computer [para 0058, lines 1-2] [para 0050-0060 on page 4, fig. 5-6]...

As to claims 4, 12, 20, 23, and 28, Morisawa discloses performing the boot process for computer by a basic input/output system [BIOS] [para 0039-0046 on page 3] and setting of flag by BIOS [setting a status flag of each device, para 0068 on page 5, and para 0078=0080 on page 6]...

Applicant respectfully disagrees as to the claims as amended. In the method, program instructions, and system in accordance with the present invention, as recited in amended independent claims 1, 11, 17, 27, and 33, the boot process for the computer is performed such that a flag is set by the BIOS of the computer, where setting the flag indicates that the computer is being booted from a powered down state. The flag can then be checked by an (OS) of the computer, where the computer is placed in the suspend to memory state if the flag indicates that the computer is booted from the powered down state, as recited in dependent claims 6, 13, 22, 29, and 35. Further, the I/O devices are enabled if the flag does not indicate that the computer was booted from the powered down state, and the computer is operated in the wake state, as recited in dependent claims 8, 15, 24, 31, and 36.

In contrast, Morisawa does not disclose the setting of such a flag by the BIOS. Morisawa instead discloses a flag that indicates whether or not a device has finished its transition from the D3 (sleep) state to the D0 (active) state. The flag in Morisawa does not indicate whether or not the device was placed in the sleep state from a powered down state. The flag in Morisawa would not enable the decision whether to place the computer in the suspend to memory state (flag indicates computer booted from powered down state) or to enable the I/O devices and operate the computer in the wake state (flag does not indicate computer booted from powered down state). Thus, the flag in Morisawa is not analogous to the flag recited in the pending claims.

Therefore, Morisawa does not teach or suggest performing a boot process for the computer, comprising setting a flag by a BIOS of the computer, wherein setting the flag indicates that the computer is being booted from a powered down state, as recited in amended independent claims 1, 11, 17, 27, and 33.

Further, Morisawa does not teach or suggest checking the flag by an OS of the computer

system, and placing the computer in the suspend to memory state if the flag indicates that the computer is being booted from the powered down state, as recited in the combination of claims 6, 13, 22, 29, and 35 with their respective amended independent claims 1, 11, 17, 27, and 33.

Further, Morisawa does not teach or suggest checking the flag by the OS and enabling the plurality of I/O devices if the flag indicates that the computer is not being booted from the powered down state, and operating the computer in a wake state, as recited in the combination of claims 8, 15, 24, 31, and 36 with their respective amended independent claims 1, 11, 17, 27, and 33.

Therefore, for the above identified reasons, the present invention as recited in independent claims 1, 11, 17, 27, and 33 is neither taught nor suggested by Morisawa. Applicant further submits that claims 3, 5-10, 13-16, 19, 21-26, 29-30, and 35-36 are also allowable because they depend on the above allowable base claims.

In view of the foregoing, Applicant submits that claims 1, 3, 5-11, 13-17, 19, 21-27, 29-33, and 35-36 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

The prior art made of record and not relied upon has been reviewed and does not appear to be any more relevant than the applied references.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP

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Date

/Michele Liu/ Reg. No. 44,875
Michele Liu
Attorney for Applicant(s)
(650) 493-4540